

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1207 be amended to read as follows:

- 1 Page 5, between lines 2 and 3, begin a new paragraph and insert:
- 2 "SECTION 2. IC 6-9-27-1, AS AMENDED BY P.L.170-2002,
- 3 SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2004]: Sec. 1. This chapter applies to the following:
- 5 (1) A town:
- 6 (A) located in a county having a population of more than
- 7 sixty-five thousand (65,000) but less than seventy thousand
- 8 (70,000); and
- 9 (B) having a population of more than nine thousand (9,000).
- 10 (2) A town:
- 11 (A) located in a county having a population of more than
- 12 thirty-four thousand nine hundred (34,900) but less than
- 13 thirty-four thousand nine hundred fifty (34,950); and
- 14 (B) having a population of less than one thousand (1,000).
- 15 (3) A town:
- 16 (A) located in a county having a population of more than one
- 17 hundred thousand (100,000) but less than one hundred five
- 18 thousand (105,000); and
- 19 (B) having a population of more than fifteen thousand
- 20 (15,000).
- 21 (4) A town:
- 22 (A) located in a county having a population of more than one
- 23 hundred thousand (100,000) but less than one hundred five
- 24 thousand (105,000); and

(B) having a population of more than ten thousand (10,000) but less than fifteen thousand (15,000).

**(5) A town having a population of more than five thousand (5,000) but less than six thousand three hundred (6,300) located in a county having a population of more than one hundred thousand (100,000) but less than one hundred five thousand (105,000)."**

Page 14, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 16. IC 20-14-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.(a) **Except as otherwise allowed under section 3.5 of this chapter**, the legislative body of a municipality, township, county, or part of a county, any of which is not already taxed for public library purposes, that has:

(1) a population of at least ten thousand (10,000); or

(2) an assessed valuation that is at least as high as:

**(A) the median of the most recent certified assessed valuation of the ten (10) library taxing districts closest in population to ten thousand (10,000), if the action under subsection (b) or section 3.5(b) of this chapter is initiated before April 1, 2004; or**

**(B) the lowest of the most recent certified assessed valuations determined for the ten (10) library taxing districts closest in population to ten thousand (10,000), if the action under subsection (b) or section 3.5(b) of this chapter is initiated after March 31, 2004;**

may establish a public library for the residents of that municipality, township, county, or part of the county **under the procedures set forth in this section.**

(b) The establishment of the public library may be initiated either by:

(1) the legislative body passing a written resolution; or

(2) the filing of a petition with the legislative body that has been signed by at least twenty percent (20%) of the registered voters of the municipality, township, county, or part of a county, as determined by the last preceding general election.

(c) If a petition is filed under subsection (b)(2), then within ten (10) days after the filing, the municipality, township, county, or part of a county shall give notice of the filing of the petition in two (2) newspapers of general circulation in the county, one (1) of which is published in the municipality where the library is to be located, if a newspaper is published in the municipality.

(d) Within ten (10) days after the publication of the petition, any registered voter in the municipality, township, county, or part of a county where the public library is proposed to be established may file with the respective municipality, township, or county a remonstrance that:

(1) is signed by registered voters in the municipality, township, county, or part of the county where the public library is proposed to be established; and

(2) states that those registered voters who have signed the

1 remonstrance are opposed to the establishment of the public  
2 library.

3 (e) The following apply to a petition that is filed under subsection  
4 (b)(2) or a remonstrance that is filed under subsection (d):

5 (1) The petition or remonstrance must show the following:

6 (A) The date on which each person signed the petition or  
7 remonstrance.

8 (B) The residence of each person on the date the person  
9 signed the petition or remonstrance.

10 (2) The petition or remonstrance must include an affidavit of the  
11 person circulating the petition or remonstrance stating that each  
12 signature on the petition or remonstrance:

13 (A) was affixed in the person's presence; and

14 (B) is the true signature of the person who signed the  
15 petition or remonstrance.

16 (3) Several copies of the petition or remonstrance may be  
17 executed. The total of the copies constitute a petition or  
18 remonstrance. A copy must include an affidavit as described in  
19 subdivision (2). Any signer may file the petition, remonstrance,  
20 or any copy. All copies constituting a petition or remonstrance  
21 must be filed on the same day.

22 (4) The clerk of the circuit court in the county where the  
23 municipality, township, county, or part of a county where the  
24 public library that is proposed to be established is located shall do  
25 the following:

26 (A) If a name appears more than one (1) time on a petition  
27 or on a remonstrance, the clerk shall strike any duplicates of  
28 the name until the name appears only one (1) time on a  
29 petition or a remonstrance, or both (if the person signed  
30 both a petition and a remonstrance).

31 (B) Strike the name from either the petition or the  
32 remonstrance of a person who:

33 (i) signed both the petition and the remonstrance; and

34 (ii) personally, in the clerk's office, makes a voluntary  
35 written and signed request for the clerk to strike the  
36 person's name from the petition or the remonstrance.

37 (C) Not more than fifteen (15) days after a petition or  
38 remonstrance is filed, certify the number of signatures on  
39 the petition or remonstrance that:

40 (i) are not duplicates; and

41 (ii) represent persons who are registered voters in the  
42 municipality, township, county, or part of a county  
43 where the public library is proposed to be established,  
44 on the day the persons signed the petition or  
45 remonstrance.

46 (D) Establish a record of the clerk's certification in the  
47 clerk's office and file the original petition, the original  
48 remonstrance, if any, and a copy of the clerk's certification  
49 with the legislative body of the municipality, township, or

1 county.

2 The clerk of the circuit court may only strike a person's name from a  
3 petition or a remonstrance as set forth in clauses (A) and (B).

4 (f) At its first meeting, held at least ten (10) days after the  
5 publication of the petition, the legislative body shall compare the petition  
6 and any remonstrance. When a remonstrance has not been filed or a  
7 greater number of voters have signed the petition than have signed the  
8 remonstrance against the establishment of the public library, the  
9 legislative body shall establish by written resolution the public library  
10 with a library district coextensive with the boundaries of the unit or part  
11 of a county, whichever is applicable. The establishment of the public  
12 library is effective as of the date the written resolution is passed. The  
13 legislative body shall file a copy of the resolution within five (5) days:

14 (1) with the office of the county recorder in the county where  
15 the administrative office of the public library is located; and

16 (2) with the Indiana state library.

17 (g) The legislative body shall give notice to all officials who have  
18 the power to appoint members of the library board for the new public  
19 library under IC 20-14-2.5-4, and these officials shall appoint the library  
20 board for the new public library under IC 20-14-2.5-4 as soon as  
21 possible after their notification.

22 (h) When an equal or greater number of registered voters have  
23 signed a remonstrance against the establishment of the public library  
24 than the number who have signed the petition in favor of the  
25 establishment of the public library, then the legislative body shall dismiss  
26 the petition. Another petition to establish a public library may not be  
27 initiated until one (1) year after the date the legislative body dismissed  
28 the latest unsuccessful petition.

29 SECTION 17. IC 20-14-2-3.5 IS ADDED TO THE INDIANA  
30 CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
31 UPON PASSAGE]: **Sec. 3.5. (a) A town and a township that:**

32 **(1) are the only participants in a library services authority**  
33 **established under IC 20-14-8 before April 1, 2004;**

34 **(2) independently or together meet the requirements of**  
35 **section 3(a) of this chapter; and**

36 **(3) propose to convert the library services authority to a**  
37 **Class 1 library district;**

38 **may use the procedures under this section to establish a public**  
39 **library for the residents of the town and township.**

40 **(b) If a town and township to which this section applies**  
41 **propose to convert a library services authority to a Class 1 public**  
42 **library district, the town council of the town and the township**  
43 **trustee and township board of the township shall hold a public**  
44 **hearing on the proposed conversion. At least thirty (30) days**  
45 **before the hearing, public notice shall be given in a newspaper of**  
46 **general circulation in the county in which the administrative**  
47 **office of the library services authority is located.**

48 **(c) Not later than thirty (30) days after the hearing under**

1 subsection (b), any registered voter in the town or township may  
 2 file with the respective town council, township trustee, or township  
 3 board a remonstrance that:

4 (1) is signed by registered voters in the town or township;  
 5 and

6 (2) states that the registered voters who have signed the  
 7 remonstrance are opposed to the establishment of the public  
 8 library.

9 (d) The following apply to a remonstrance that is filed under  
 10 subsection (c):

11 (1) The remonstrance must show the following:

12 (A) The date on which each person signed the  
 13 remonstrance.

14 (B) The residence address of each person on the date  
 15 the person signed the remonstrance.

16 (2) The remonstrance must include an affidavit of the  
 17 person circulating the remonstrance stating that each  
 18 signature on the remonstrance:

19 (A) was affixed in the person's presence; and

20 (B) is the true signature of the person who signed the  
 21 remonstrance.

22 (3) Several copies of the remonstrance may be executed.  
 23 The total of the copies constitute a remonstrance. A copy  
 24 must include an affidavit as described in subdivision (2).  
 25 Any person who signs the remonstrance or any copy may  
 26 file the remonstrance or any copy. All copies constituting a  
 27 remonstrance must be filed on the same day.

28 (4) The clerk of the circuit court in the county in which the  
 29 administrative office of the library services authority is  
 30 located shall do the following:

31 (A) If a name appears more than one (1) time on a  
 32 remonstrance, the clerk shall strike any duplicates of  
 33 the name until the name appears only one (1) time on  
 34 the remonstrance.

35 (B) Not more than fifteen (15) days after a  
 36 remonstrance is filed, certify the number of signatures  
 37 on the remonstrance that:

38 (i) are not duplicates; and

39 (ii) represent persons who are registered voters in  
 40 the town or township, on the date on which the  
 41 persons signed the remonstrance.

42 (C) Establish a record of the clerk's certification in the  
 43 clerk's office and file the original remonstrance, if any,  
 44 and a copy of the clerk's certification with the town  
 45 council, township trustee, and township board.

46 The clerk of the circuit court may only strike a person's

1 name from a remonstrance as set forth in clause (A).

2 (e) If a remonstrance is filed, the town council, township  
3 trustee, and township board shall review the remonstrance.

4 (f) If a remonstrance has not been filed or after the  
5 remonstrances have been reviewed, the town and township may  
6 convert the library services authority to a Class 1 library district  
7 if the board of directors of the library services authority passes  
8 the following resolution of conversion:

9 " \_\_\_\_\_ Library Services Authority, by action of its  
10 board of directors, resolves to convert to a Class 1 library  
11 district subject to IC 20-14-2 and IC 20-14-2.5.".

12 The resolution of conversion must describe the territory included  
13 in the library district.

14 (g) The resolution of conversion must be signed by a majority  
15 of the board of directors of the library services authority. Not later  
16 than five (5) days after the resolution is adopted, the board of  
17 directors shall file a copy of the resolution:

18 (1) in the office of the county recorder in the county in  
19 which the administrative office of the library services  
20 authority is located; and

21 (2) with the Indiana state library.

22 (h) The board of directors of the library services authority  
23 shall give notice of the conversion to all officials who have  
24 appointive powers under IC 20-14-2.5. The officials shall appoint  
25 a library board for the public library district, subject to  
26 IC 20-14-2.5-10.5. Members of the board of directors of the library  
27 services authority being converted:

28 (1) continue to serve as library board members until a  
29 majority of the new library board has been appointed and  
30 the new appointees have taken an oath of office to serve on  
31 the board; and

32 (2) may serve as members on the new library board if  
33 appointed by an appointing authority under  
34 IC 20-14-2.5-10.5.

35 (i) A conversion under this section is effective upon:

36 (1) the filing of the resolution under subsection (g);

37 (2) the appointment of the new library board under  
38 IC 20-14-2.5; and

39 (3) the taking of the oath of office by the new library board  
40 under IC 20-14-2.5-13.

41 (j) The budget adopted by the library services authority, under  
42 IC 20-14-9-8 and in effect at the time of the conversion, remains  
43 in effect and is renewed for the new library district until a budget,  
44 tax levy, and tax rate are finally adopted and fixed in accordance  
45 with the procedures for Class 1 libraries under IC 20-14-3-10.  
46 Subject to subsection (l), if the conversion is effective under

subsection (i) before September 1 of a year, the new library board shall adopt a budget and fix a tax levy and tax rate for the ensuing budget year under IC 20-14-3-10. If:

(1) the conversion is effective under subsection (i) after August 31 of a year; or

(2) the new library board fails to:

(A) give the notices required under IC 20-14-3-10(b) and subsection (k); or

(B) finally adopt the budget and fix the tax levy and tax rate not later than September 20;

the most recent annual appropriations, and the budget adopted by the library services authority, under IC 20-14-9-8 and in effect at the time of the conversion, are renewed for the new library district in the ensuing calendar year.

(k) This subsection first applies in the first year in which the library board adopts a budget and fixes a tax rate and tax levy under IC 20-14-3-10. Each year, in addition to:

(1) providing the published notices to taxpayers required under IC 20-14-3-10(b); and

(2) holding the hearing required under IC 6-1.1-17-3;

the library board shall give mailed notice of the proposed budget and property tax levy to the town council, the township trustee, and the town board at least ten (10) days before the public hearing required under IC 6-1.1-17-3. The town council, township trustee, and township board may submit comments to the library board concerning the proposed budget and property tax levy before the final adoption of the budget and property tax levy by the library board.

(l) This subsection applies in the first year in which the library board adopts a budget and fixes a tax rate and tax levy under IC 20-14-3-10 for the ensuing calendar year. The library district's maximum permissible ad valorem property tax levy for the ensuing calendar year equals the amount determined in STEP FOUR of the following STEPS:

STEP ONE: Determine the product of:

(A) the total amount of:

(i) the town's pro rata share of the budget adopted by the library services authority under IC 20-14-9-8 and in effect for the current calendar year; plus

(ii) the township's pro rata share of the budget adopted by the library services authority under IC 20-14-9-8 and in effect for the current calendar year; multiplied by

(B) the assessed value growth quotient for the library district for the ensuing calendar year, as determined

under IC 6-1.1-18.5-2.

**STEP TWO: Determine the lesser of:**

(A) one and fifteenth hundredths (1.15); or

(B) the quotient (rounded to the nearest ten-thousandth (0.0001)) of:

- (i) the assessed value of all taxable property subject to the library district's ad valorem property tax levy for the ensuing calendar year; divided by
- (ii) the assessed value of all taxable property that is subject to the library district's ad valorem property tax levy for the ensuing calendar year and that is contained within the geographic area that was subject to the township's ad valorem property tax levy in the preceding calendar year or the town's ad valorem property tax levy in the preceding calendar year or subject to both the town's and the township's ad valorem property tax levy in the preceding calendar year.

**STEP THREE: Determine the greater of the amount determined in STEP TWO or one (1).**

**STEP FOUR: Multiply the amount determined in STEP ONE by the amount determined in STEP THREE.**

The library district's maximum ad valorem property tax levy for any year following the first calendar year for which the library board fixes a budget, tax rate, and tax levy under IC 20-14-3-10, shall be determined under IC 6-1.1-18.5.

(m) This subsection applies in the first year in which the library board adopts a budget and fixes a tax rate and tax levy under IC 20-14-3-10 for the ensuing calendar year. The town's maximum permissible ad valorem property tax levy for the ensuing calendar year shall be reduced by the product of:

(1) the maximum permissible ad valorem property tax levy for the library district for the ensuing calendar year, as determined under STEP FOUR of subsection (l); multiplied by

(2) the quotient of:

(A) the town's pro rata share of the budget adopted by the library services authority under IC 20-14-9-8 and in effect for the current calendar year; divided by

(B) the total budget adopted by the library services authority under IC 20-14-9-8 and in effect for the current calendar year.

(n) This subsection applies in the first year in which the library board adopts a budget and fixes a tax rate and tax levy under IC 20-14-3-10 for the ensuing calendar year. The township's maximum permissible ad valorem property tax levy for the



ensuing calendar year shall be reduced by the product of:

(1) the maximum permissible ad valorem property tax levy for the library district for the ensuing calendar year, as determined under STEP FOUR of subsection (I); multiplied by

(2) the quotient of:

(A) the township's pro rata share of the budget adopted by the library services authority under IC 20-14-9-8 and in effect for the current calendar year; divided by

(B) the total budget adopted by the library services authority under IC 20-14-9-8 and in effect for the current calendar year.

SECTION 18. IC 20-14-2.5-4, AS AMENDED BY P.L.50-2000, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. Except as provided in section 9.5 of this chapter, and subject to ~~section~~ **sections 10 and 10.5** of this chapter, seven (7) members of a library board shall be appointed as follows:

(1) One (1) member appointed by the executive of the county in which the library district is located, or if the district is located in more than one (1) county, jointly by the executives of the respective counties.

(2) One (1) member appointed by the fiscal body of the county in which the library district is located, or if the district is located in more than one (1) county, jointly by the fiscal bodies of the respective counties.

(3) Three (3) members appointed by the school board of the school corporation serving the library district. However, if there is more than one (1) school corporation serving the library district:

(A) two (2) members shall be appointed by the school board of the school corporation in which the principal offices of the public library are located; and

(B) one (1) member shall be appointed by a majority vote of the presidents of the school boards of the other school corporations.

(4) One (1) member appointed under section 5(1), 6(b)(1), 7(1), 8(1), or 9(1), of this chapter, as applicable.

(5) One (1) member appointed under section 5(2), 6(b)(2), 7(2), 8(2), or 9(2) of this chapter, as applicable.

SECTION 19. IC 20-14-2.5-10.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 10.5. (a) This section applies to the appointment of members to a library board of a library district that is established by the conversion of a library services authority under IC 20-14-2-3.5.**

**(b) In its notice of conversion to all officials who have appointive powers under this chapter, as required by IC 20-14-2-3.5(h), the board of directors of the library services**

1 authority being converted may recommend for appointment to the  
2 new library board:

3 (1) one (1) or more members of the board of directors of the  
4 library services authority; or

5 (2) one (1) or more other persons;

6 if, in the opinion of the board of directors, the board member or  
7 other person recommended is qualified and will serve the interests  
8 of the new library district.

9 (c) In making an appointment to the new library board, an  
10 appointing authority shall follow any recommendation received  
11 under subsection (b) if the appointing authority agrees that the  
12 board member or other person recommended is qualified and will  
13 serve the interests of the new library district.

14 (d) If a member of the board of directors of the library  
15 services authority is appointed to the board of the new library  
16 district, the member's service on the board of directors of the  
17 library services authority may not be considered in determining  
18 the number of consecutive terms the member may serve on the  
19 library board for the new library district under IC 20-14-2.5-3.

20 SECTION 20. IC 20-14-8-6 IS AMENDED TO READ AS  
21 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) Any qualified  
22 entity that is a participant in the library services authority may withdraw  
23 from the authority by any recorded act of that qualified entity:

24 (1) after it has made provisions for the payment and performance  
25 of its obligations; and

26 (2) upon notification to the library services authority, six (6)  
27 months before the end of the fiscal year in which it is  
28 participating in the library services authority, that it is  
29 discontinuing its participation in the library services authority.

30 (b) Upon discontinuing participation in the library services  
31 authority, the discontinuing qualified entity relinquishes its rights to any  
32 funds, supplies, materials, equipment, or other real or personal property  
33 held by or belonging to the authority and in which the qualified entity  
34 had a right by virtue of its participation, unless provision to the contrary  
35 is made by the official action of the board of directors.

36 (c) Upon the receipt of notification to discontinue participation and  
37 the satisfaction of all obligations by the withdrawing participant, the  
38 board of directors shall officially note the withdrawal and shall file  
39 notice of the resulting change in the joint agreement:

40 (1) in the office of the recorder of the county in which the  
41 authority's principal place of business is located; and

42 (2) with the Indiana state library.

43 (d) The library services authority is dissolved when:

44 (1) the board of directors of the authority votes to dissolve it;

45 (2) such action is de facto by the notice of discontinuance of  
46 participation by the next to last remaining participant; ~~or~~

47 (3) there is an excessive number of private qualified entities  
48 participating in the authority; ~~or~~

1           **(4) the library services authority is converted to a Class 1**  
2           **library district under IC 20-14-2-3.5.**

3           Upon the occurrence of any of these conditions, the board of directors  
4           shall dispose of the assets by division among the participants at the time  
5           of dissolution and in the proportion and in the manner determined by the  
6           board of directors. **However, if dissolution occurs under subdivision**  
7           **(4), the assets of the library services authority become the assets**  
8           **of the new Class 1 library district.**

9           (e) The dissolution does not take effect until all legal and fiscal  
10          obligations of the library services authority have been satisfied and an  
11          official record of the dissolution is filed in the office of the recorder of  
12          the county in which the authority's principal place of business is  
13          located. Until such satisfaction of obligations has occurred and the  
14          record of dissolution has been filed, the final members of the authority  
15          shall continue to be members. **In the case of a dissolution described**  
16          **in subsection (d)(4), the resolution of conversion required under**  
17          **IC 20-14-2-3.5 serves as the record of dissolution, and the**  
18          **dissolution of the library services authority takes effect on the**  
19          **date the conversion is effective under IC 20-14-2-3.5(i)."**

20          Renumber all SECTIONS consecutively.

        (Reference is to HB 1207 as printed January 27, 2004.)

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Representative RUPPEL